

REMARKS/ARGUMENTS

Claims 1-6, 9-14 and 20-24 are pending. Claim 1 has been amended, and claims 17-20 have been cancelled. Reconsideration is respectfully requested, and Applicant responds to the Office Action of October 5, 2005 as follows:

1. Rejection of Claims 1-3 and 10 Under §103(a)

Claims 1-3 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,930,761 (Barracough) in view of US Patent 3,565,554 (Muller). The Applicants respectfully traverse this rejection.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); MPEP 2143.01.

Claim 1, as amended, recites the combination of compression means to create a moving occlusion of the compression tube with at least one rest position in which the compression means is free of all contact from the compression tube so that the compression tube is free of any occlusions, and a cylindrically shaped integrally formed flange of the compression tube that engages with a channel on the compression surface for securing the compression tube to the compression surface. In contrast, Barracough teaches roller 11 in constant contact with tube 4, with at least a partial occlusion even while roller 11 is in depression 22 (col. 4, lines 9-16). Therefore, Barracough and Muller together fail to produce the claimed invention. Moreover, the Applicants respectfully traverse the finding that it would have been obvious to combine the rib 9 of Muller with the pump of Barracough, given that the Barracough pump has inlet 5 and outlet 6 already holding the tube in place, as opposed to the Muller device which is shown simply as an open semicircle with nothing else apparently holding the tube in place. Therefore, one skilled in the art would not be motivated to modify the Barracough pump as suggested by the Examiner.

It is respectfully submitted that Barraclough and Muller together fail to teach or suggest the claimed combination of claim 1 (as amended), and that it would not have been obvious to add the rib of Muller to the pump of Barraclough. Claims 2-3 and 10 depend on claim 1, and are considered allowable for the reasons set forth above.

2. Rejection of Claims 1-3, 9-12, 14 and 24 Under §103(a)

Claims 1-3, 9-12, 14 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,938,414 (Kayahara) in view of Muller. The Applicants respectfully traverse this rejection.

As stated in Part I above, claim 1 (as amended) recites the combination of compression means to create a moving occlusion of the compression tube with at least one rest position in which the compression means is free of all contact from the compression tube so that the compression tube is free of any occlusions, and a cylindrically shaped integrally formed flange of the compression tube that engages with a channel on the compression surface for securing the compression tube to the compression surface. In contrast, Kayahara teaches roller 4 in constant contact with tube 17 (see Figs.). Therefore, Kayahara and Muller together fail to produce the claimed invention. Moreover, the Applicants respectfully traverse the finding that it would have been obvious to combine the rib 9 of Muller with the apparatus of Kayahara, given that the Kayahara apparatus has connecting portion 28 and ring portion 29 already holding the tube ends in place, as opposed to the Muller device which is shown simply as an open semicircle with nothing else apparently holding the tube in place. Therefore, one skilled in the art would not be motivated to modify the Kayahara apparatus as suggested by the Examiner. It is respectfully submitted that Kayahara and Muller together fail to teach or suggest the claimed combination of claim 1 (as amended), and that it would not have been obvious to add the rib of Muller to the apparatus of Kayahara. Claims 2-3 and 9-11 depend on claim 1, and are considered allowable for the reasons set forth above.

Claim 11 similarly recites the combination of roller for pressing the compression tube against the compression surface to create a moving occlusion of the compression tube for pushing fluid through the compression tube, where the roller has a rest position where the roller does not contact the compression tube and the compression tube is free of any occlusions, and a flange extending along the length of the tube removably engaged with the channel in the compression surface for securing the compression tube to the compression surface. As stated above, Kayahara and Muller fail to teach or suggest a rest position for the roller where it does not make contact with the compression tube, and it would not have been obvious to modify the Kayahara device with the rib of Muller given that the Kayahara device already has means for securing the tube in place. Therefore, claim 11 (and claims 12, 14 and 24 dependent thereon) are not rendered obvious by Kayahara and Muller.

3. Rejection of Claim 13 Under §103(a)

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kayahara in view of Muller, and further in view of US Patent 2,693,766 (Seyler). The Applicants respectfully traverse this rejection. Claim 13 depends from claim 11, which is considered allowable for the reasons set forth above in Part 2. The addition of Seyler fails to remedy the shortcomings of Kayahara and Muller.

4. Rejection of Claims 17-20 Under §102(b)

Claims 17-20 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,620,312 (Hyman). Claims 17-20 have been cancelled, rendering this rejection moot.

5. Allowable Subject Matter


The Applicants gratefully acknowledge the allowance of claims 21-23.

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For the foregoing reasons, it is respectfully submitted that the claims are in an allowable form, and action to that end is respectfully requested.

Respectfully submitted,

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